

106TH CONGRESS  
1ST SESSION

# S. 52

To provide a direct check for education.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. BOND (for himself, Mr. ASHCROFT, Mr. SANTORUM, Mr. BURNS, Mr. SHELBY, Mr. BROWNBACK, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide a direct check for education.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Direct Check for Edu-  
5       cation Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) education should be a national priority but  
9       must remain a local responsibility;

1           (2) the Federal Government’s regulations and  
 2           involvement often creates barriers and obstacles to  
 3           local creativity and reform;

4           (3) parents, teachers, and local school districts  
 5           must be allowed and empowered to set local edu-  
 6           cation priorities; and

7           (4) schools and education professionals must be  
 8           accountable to the people and children served.

9 **SEC. 3. DEFINITIONS.**

10       In this Act:

11           (1) LOCAL EDUCATIONAL AGENCY.—The term  
 12           “local educational agency” has the meaning given  
 13           the term in section 14101 of the Elementary and  
 14           Secondary Education Act of 1965 (20 U.S.C. 8801).

15           (2) SECRETARY.—The term “Secretary” means  
 16           the Secretary of Education.

17           (3) STATE.—The term “State” means each of  
 18           the several States of the United States, the District  
 19           of Columbia, the Commonwealth of Puerto Rico,  
 20           Guam, American Samoa, the Commonwealth of the  
 21           Northern Mariana Islands, the United States Virgin  
 22           Islands, the Republic of the Marshall Islands, the  
 23           Federated States of Micronesia, and the Republic of  
 24           Palau.

1 **SEC. 4. DIRECT AWARDS TO LOCAL EDUCATIONAL AGEN-**  
2 **CIES.**

3 (a) DIRECT AWARDS.—From amounts appropriated  
4 under subsection (b) and not used to carry out subsection  
5 (c), the Secretary shall make direct awards to local edu-  
6 cational agencies in amounts determined under subsection  
7 (e) to enable the local educational agencies to support pro-  
8 grams or activities, for kindergarten through grade 12  
9 students, that the local educational agencies deem appro-  
10 priate.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to carry out this Act  
13 \$3,500,000,000 for each of the fiscal years 2000 and  
14 2001, \$4,000,000,000 for each of the fiscal years 2002  
15 and 2003, and \$5,000,000,000 for fiscal year 2004.

16 (c) MULTIYEAR AWARDS.—The Secretary shall use  
17 funds appropriated under subsection (b) for each fiscal  
18 year to continue to make payments to eligible recipients  
19 pursuant to any multiyear award made prior to the date  
20 of enactment of this Act under the provisions of law re-  
21 pealed under subsection (d). The payments shall be made  
22 for the duration of the multiyear award.

23 (d) REPEALS.—The following provisions of law are  
24 repealed:

25 (1) The Goals 2000: Educate America Act (20  
26 U.S.C. 5801 et seq.).

1           (2) Section 307 of the Department of Edu-  
2           cation Appropriations Act, 1999.

3           (3) Title III of the Elementary and Secondary  
4           Education Act of 1965 (20 U.S.C. 6801 et seq.).

5           (4) Part B of title VI of the Elementary and  
6           Secondary Education Act of 1965 (20 U.S.C. 7331  
7           et seq.).

8           (5) Part A of title X of the Elementary and  
9           Secondary Education Act of 1965 (20 U.S.C. 8001  
10          et seq.).

11          (6) The School-to-Work Opportunities Act of  
12          1994 (20 U.S.C. 6101 et seq.).

13          (e) DETERMINATION OF AMOUNT.—

14           (1) PER CHILD AMOUNT.—The Secretary, using  
15           the information provided under subsection (f), shall  
16           determine a per child amount for a year by dividing  
17           the total amount appropriated under subsection (b)  
18           for the year, by the average daily attendance of kin-  
19           dergarten through grade 12 students in all States  
20           for the preceding year.

21           (2) LOCAL EDUCATIONAL AGENCY AWARD.—  
22           The Secretary, using the information provided under  
23           subsection (f), shall determine the amount provided  
24           to each local educational agency under this section  
25           for a year by multiplying—

1 (A) the per child amount determined under  
2 paragraph (1) for the year; by

3 (B) the average daily attendance of kinder-  
4 garten through grade 12 students that are  
5 served by the local educational agency for the  
6 preceding year.

7 (f) CENSUS DETERMINATION.—

8 (1) IN GENERAL.—Each local educational agen-  
9 cy shall conduct a census to determine the average  
10 daily attendance of kindergarten through grade 12  
11 students served by the local educational agency not  
12 later than December 1 of each year.

13 (2) SUBMISSION.—Each local educational agen-  
14 cy shall submit the number described in paragraph  
15 (1) to the Secretary not later than March 1 of each  
16 year.

17 (g) PENALTY.—If the Secretary determines that a  
18 local educational agency has knowingly submitted false in-  
19 formation under subsection (f) for the purpose of gaining  
20 additional funds under this section, then the local edu-  
21 cational agency shall be fined an amount equal to twice  
22 the difference between the amount the local educational  
23 agency received under this section, and the correct amount  
24 the local educational agency would have received under

1 this section if the agency had submitted accurate informa-  
2 tion under subsection (f).

3 (h) DISBURSAL.—The Secretary shall disburse the  
4 amount awarded to a local educational agency under this  
5 Act for a fiscal year not later than July 1 of each year.

6 **SEC. 5. AUDIT.**

7 (a) IN GENERAL.—The Secretary may conduct audits  
8 of the expenditures of local educational agencies under  
9 this Act to ensure that the funds made available under  
10 this Act are used in accordance with this Act.

11 (b) SANCTIONS AND PENALTIES.—If the Secretary  
12 determines that the funds made available under section  
13 4 were not used in accordance with section 4(a), the Sec-  
14 retary may use the enforcement provisions available to the  
15 Secretary under part D of the General Education Provi-  
16 sions Act (20 U.S.C. 1234 et seq.).

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